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INTRODUCTION

Good morning, Chairman Shays, Ranking Member Kucinich and Members of the sub-Committee. Thank you for the opportunity to discuss the Department of Homeland Security's (DHS) progress in preventing terrorist exploitation of international travel, focusing on the visa issuance process.

Denying terrorists access to the United States is a top priority for DHS and the visa-issuance process has been a central focus of this effort. A number of reports, including the 9/11 Commission Report, the General Accounting Office July 2002 Report on Border Security, as well as the substantial debates in Congress leading to the passage of the Homeland Security Act in 2002 and the Intelligence Reform and Terrorism Prevention Act in 2004 have confirmed the need to target terrorist travel as an important tool to protect the United States.

In addressing the threat of international terrorist travel, DHS considers U.S. visa issuance policy one part of the larger spectrum of programs designed to secure travel as well as ensure the integrity of the U.S. entry and exit system and, by extension, the immigration system.

Improving the security and the integrity of the visa issuance process is the first step in a layered solution that does not end until a foreign visitor departs the United States. With this approach in

mind, DHS has been working with the Departments of State (DOS) and Justice (DOJ) to address the security interests at stake in the visa issuance process, and where necessary, to implement appropriate changes to visa policy and the visa issuance procedures.

Section 428 of the Homeland Security Act (HSA) of 2002 assigns the DHS very specific visa security functions. The Act authorizes:

- DHS to assign officers to each diplomatic and consular post at which visas are issued, unless the Secretary determines that such an assignment at a particular post would not promote homeland security [Section 428(e)(1)];
- DHS officers conduct specific functions at those posts [Section 428(e)(2)] such as:
 - provide expert advice and training to consular officers regarding specific security threats relating to the adjudication of visa applications;
 - review visa applications, including review of all visa applications in Saudi Arabia [Section 428(i)];
 - conduct investigations with respect to consular matters under the jurisdiction of the Secretary; and
 - participate in the terrorist lookout committee operating at post; and
- DHS to develop performance standards for evaluating consular officers in consultation with the Secretary of State.

Finally, the Act exclusively vests the Secretary of Homeland Security “with all authorities to issue regulations with respect to, administer, and enforce the provisions of the [INA], and of all other immigration and nationality laws, relating to the functions of consular officers of the

United States in connection with the granting or refusal of visas....” These authorities relating to visa issuance are to be exercised through the Secretary of State, according to the Act. To this end, they are exercised in accordance with a Memorandum of Understanding (MOU) between the DOS and DHS that was concluded on September 29, 2003.

DHS Accomplishments

DHS works with DOS and DOJ to ensure security measures are in place both in the visa issuance process and, more broadly, to combat terrorism and illegal immigration while facilitating travel for legitimate individuals. Our shared goal is a system that uses the best and most complete information available to authenticate traveler documents and identity, regularly vet travelers against intelligence and other terrorist information and identify individuals who may present a terrorism risk using the capabilities of an experienced cadre of officers in both Departments.

This approach is central to everything we do regardless of whether an individual travels with or without a visa.

DHS has made significant progress toward this goal through the (1) establishment of the Visa Security Unit in summer 2003 to implement Section 428 of the Homeland Security Act; (2) implementation of the US-VISIT program to screen travelers entering and exiting the United States; (3) improved information sharing within the U.S. Government and with foreign allies; (4) establishment of the National Targeting Center (NTC) to vet traveler data against information on known and suspected terrorists; (5) strengthening the security of the Visa Waiver Program; and (6) improved access to traveler data.

DHS recognizes that facilitating legitimate travel by prospective students, scientists, tourists, or business partners to visit the United States is crucial. If that travel is disrupted, either because travelers are mistakenly rejected for a visa, or because they believe that travel to the United

States is too inconvenient, we will experience a negative effect on our economy. In addition, the ability of legitimate foreign visitors to come to our country is critical to spreading our democratic ideals, furthering scientific development, and promoting the image of America overseas.

In recent months, DHS and DOS have made a tremendous effort to combat the perception that security measures implemented to strengthen the visa process have made it too difficult for legitimate travelers to come to the United States. We have examined how we can facilitate travel while ensuring safety to our nation and we are making progress.


Visa Policy

Under the HSA and the DHS-DOS Visa MOU, subject to certain exceptions, DHS has responsibility for visa policy and has final authority over DOS-initiated visa guidance.


Under this authority, DHS is conducting a comprehensive review of the existing immigration laws, regulations, and policies to ensure that our immigration goals, policies, and laws are properly aligned in relation to visa issuance and policy. We are calling on staff from US-VISIT, Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and Immigration and Customs Enforcement (ICE) to bring their best people and thoughts to the table to aggressively review these issues. Continuing this process over coming months will remain a priority for DHS.

We have worked closely with State on a variety of issues related to visa issuance. Together, we have met with many business organizations, educational institutions, and the scientific community and heard their concerns about the need for visa process streamlining.

As a result of these exchanges, DHS and DOS have worked together to identify and implement solutions to improve security and facilitation. Specifically, we have examined the issues of visa




reciprocity and visa validity periods and we have made adjustments where necessary and possible without jeopardizing security. We have also extended the validity periods of certain Security Advisory Opinions (SAOs) clearances for students, certain temporary workers, and business visas. Academic students may receive such a clearance valid for the length of the approved academic program up to four years and business visitors for up to one year provided the purpose of the travel has not changed. This is a significant improvement over the previous policy of obtaining a new clearance for each trip. In making the change, DHS and DOS carefully reviewed the existing process and set strict limitations on when the extended clearances apply. In addition, since the validity of the SAO clearance does not change the visa validity period, at the time of a subsequent visa application within the SAO validity period, the consular officer may still initiate a new request, on an individual basis, if he feels the circumstances warrant it.




DHS and DOS have also worked closely together to strengthen the security requirements under the Visa Waiver Program (VWP). This past June, we clarified the biometric passport requirements applicable to the program. DHS and DOS are currently working with our international partners in the VWP to ensure that the deadline of October 26, 2005 for having integrated digital photographs is met. In addition, we announced new policy stating that all VWP applicants must have an electronic passport (e-passport) after October 26, 2006, and we are working with our international partners on that initiative as well.


Visa Security Unit (VSU)



DHS implements Section 428(e) of the HSA through the VSU, which is currently running visa security operations at two posts in Saudi Arabia. Visa Security Officers (VSOs) at these posts review all visa applications. The VSOs reviewed 24,000 in the first nine months of FY 2005.





The VSU has also instituted a “pre-screen” process that allows consular officers and VSOs to focus applicant interviews more effectively. VSOs also closely monitors intelligence reports and coordinate with their colleagues across DHS to identify information relevant to the consular, law enforcement, and intelligence communities at post. The VSOs coordinate with the CBP to obtain information about the types of mala fide applicants that are being identified and about individuals denied admission at the ports. The VSOs then share this information with other key U.S. Government personnel at post and brief consular officers on new intelligence relevant to their adjudications, such as new fraud schemes and newly identified document vulnerabilities. Several domestic ICE investigations have been initiated based on VSO efforts overseas. DHS VSOs also participate in the posts’ Lookout Committee, which monitors terrorist activity and threats.



Additionally, the VSOs routinely are asked by the consular officers for assistance during the adjudication process, for example: to review an application, to clarify a question of immigration law, to review suspect documents, and to clarify or interpret derogatory information received about the applicant. In addition to ensuring rigorous scrutiny of visa applications, this practice provides an opportunity for on-the-job training for junior consular officers to build on their current skills to screen for mala fides through enhanced interview techniques, imposter detection, and fraudulent document identification.

When VSU operations in Saudi Arabia began in October 2003, the office was staffed with temporary detailees. DHS replaced these individuals with trained, permanent VSOs in 2005. Additional permanent VSOs have been recruited and trained and will be deployed to five additional high threat locations in October 2005. The tours of duty at different consul posts will vary from one to five years consistent with DOS policy and guidelines.






Training is an integral part of the VSU operations. DHS has developed a VSO training course at the Federal Law Enforcement Training Center. DHS also maintains a program to solicit feedback from returning VSOs to continuously evaluate current procedures and identify areas for improvement.

Training and Evaluation of Consular Officers

The best policies in the world can fail if they are not implemented by qualified, knowledgeable individuals. As a result, DHS has emphasized improving security training for consular officers consistent with its authority under the HSA.



The VSU has reviewed the DOS Consular Officer training course and is working with DOS to identify additional homeland security training needs. The VSU also performs a range of consular training activities. Overseas VSOs have provided numerous training sessions for consular officers on topics ranging from port of entry procedures and admissibility to fingerprinting and fraudulent document detection. VSOs have participated in two DOS Regional Conferences and a Consular Management Assistance Team as well as the consular officer basic training program at the Foreign Service Institute.

Security Advisory Opinion Process


DHS has expanded its participation in the DOS' SAO process. The SAO process provides an interagency review of visa applications based on defined risk criteria (established under various SAO category designations) or because they otherwise warrant further scrutiny (based on consular officer discretion). The VSU supports this critical review process through review and clarification of adverse information and participation in interagency dialogue.

DHS and DOS have, in the last year, conducted an extensive interagency review of the SAO process. The review seeks to ensure that agencies participating in the SAO process are communicating, making decisions, and working in the most effective manner possible. Some of the issues considered include: 1) how to leverage DOS's Consolidated Consular Database so that law enforcement organizations may effectively utilize its information; 2) how to more quickly resolve conflicting interagency views on visa issuance; 3) improved communication between Consular Posts and domestic law enforcement once a visa has been vetted and issued; and 4) what, if any, changes should be made to the SAO process to incorporate the most recent threat data. Finally, DOS and DHS have joined forces to develop a long term roadmap for effective management of the SAO process. DHS, DOS, and DOJ have also joined forces to determine how best to streamline the SAO process consistent with overarching security and policy concerns. DHS is considering how to improve electronic transfers of information and whether imposing reasonable deadlines on other agencies to review the underlying visa application is appropriate. Our goal in these endeavors is to ensure the security value of the SAO process while minimizing the processing time.

U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT)


US-VISIT is part of a continuum of security measures that begins before individuals enter the United States and continues through their arrival and departure from the country. US-VISIT represents a major milestone in enhancing our nation's security by securing our borders. It is a significant step toward ensuring the integrity of the U.S. immigration system.

US-VISIT uses biometric identifiers, a digital photo and two finger scans to prevent the use of fraudulent identities and travel documents, including visas. The purpose of the biometric identifier is to verify a person's identity, run selected criminal history checks, and ensure that an




individual cannot apply and/or be granted benefits, a visa, or admission to the U.S. under different names. Biometric visas issued by DOS to travelers to the United States enable DHS to conduct one-to-one matches, verify that the person presenting the visa is the person who was issued the visa, and one-to-many matches, to ensure that the bearer is not the subject of a biometric lookout or enrolled in the system under another name.

At U.S. border ports of entry, visitors are required to provide biometric data, biographic data, and/or other documentation. This data is checked against multiple databases, which contain visa issuance information, terrorist and criminal watchlists, and immigration status information. These checks allow border inspectors to verify identity and identify criminals, security threats and immigration violators.



As of August 25, 2005, 36.4 million foreign visitors have been processed under the US-VISIT entry procedures without adversely impacting wait times. In addition, DHS has taken adverse action against more than 800 criminals and immigration violators. On July 13, 2005, DHS Secretary Chertoff announced that we would transition to the capture of 10 fingerprints for enrollment in the US-VISIT program. The capture of “10-prints” will allow us to identify visitors with even greater accuracy; improve DHS’s ability to match enrollees against latent prints; increase accuracy for matching individuals against watchlists; and allow DHS to focus more time and attention on individuals who might be potential risks to the country.

Information Sharing with International Partners



Effective border security starts well beyond our physical borders. Close cooperation with our international partners is key to ensuring effective procedures are in place to support U.S. visa

issuance procedures as well as ensure the security of other countries' passport and travel document issuance procedures. In addition, DHS is committed to improving information sharing related to terrorist threats with friendly and allied nations. As announced this year as part of the Security and Prosperity Partnership (SPP), the United States, Canada and Mexico have agreed to strengthen information sharing on terrorists and criminals. Effective information exchange among North American countries is essential to strengthening our capability to prevent acts of terror within and outside North America. The SPP will enable all three countries to address and resolve gaps in cross-border information sharing. Ultimately, our goal is to ensure that all travelers arriving in North America will experience a comparable level of screening. DHS is also working with other international partners on a bilateral and multilateral basis such as the G8 Secure and Facilitated International Travel Initiative (SAFTI), to improve information sharing.

CONCLUSION

Visa security, an integral part of the overall border management system, impacts the security of our citizens and our visitors, affects billions of dollars in trade and travel and helps define relations with our international partners. The Department of Homeland Security has made tremendous strides in securing the international travel system, always with the goal in mind that security without prosperity –without the ability for people to visit friends and family, go to school, conduct business or do research – is a hollow victory. We have aggressive plans to move us even farther toward our goal of creating the 21st century border our citizens deserve to protect the homeland and facilitate legitimate trade and travel. I look forward to working with the Committee on this complex, yet important task. I want to thank this Committee for its support as we continue to enhance the security of our visa processes and policies.